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JUN 21 2007

**OFFICE OF PETITIONS**

In re Application of  
Johnson et al.  
Application No. 09/668,652  
Filed: September 22, 2000  
Title: Extended Multi-Line Hunt Group  
Communication

ON PETITION

This is a decision on the petition under 37 CFR 1.181 to withdraw the holding of abandonment, filed February 5, 2007.

The petition to withdraw the holding of abandonment is **Dismissed**.

Any request for reconsideration should be filed within **TWO MONTHS** of the mailing date of this decision in order to be considered timely. 37 CFR 1.181(f). This time period may not be extended pursuant to 37 CFR 1.136.

This above-identified application was held abandoned for failure to timely file a compliant supplemental appeal brief. An Appeal Brief was filed on September 22, 2005. A Notice of Non-Compliant Appeal Brief pursuant to 37 CFR 41.37 was mailed on December 13, 2005, providing petitioner with a one month reply period. A supplemental brief was submitted on January 19, 2006, however it was deemed non-compliant in the Notice of abandonment mailed on December 28, 2006.

Petitioner contends that the abandonment of the application should be withdrawn because the supplemental appeal brief submitted on January 19, 2006 was compliant. Petitioner states that during a telephonic conference they were informed by the examiner that the supplemental appeal brief was compliant and the abandonment was improper.

Petitioner's argument has been considered but it is not convincing to establish the holding of abandonment should be withdrawn. The undersigned has consulted with the

examiner in charge of this application and he disagrees that the supplemental appeal brief submitted on January 19, 2006 was compliant.

Petitioner's reliance on alleged oral advice from the examiner does not convince the Office that the holding of abandonment should be withdrawn. Pursuant to 37 CFR 1.2 All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

Accordingly, the holding of abandonment will not be withdrawn.

### **Alternative Venue**

Petitioner may wish to consider filing a petition to revive based on unintentional abandonment under 37 CFR 1.137(b). A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by the required reply, the required petition fee, and a statement that the **entire** delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. § 1.137(b) was unintentional.

The filing of a petition under 37 C.F.R. § 1.137(b) cannot be intentionally delayed, and therefore, must be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the delay from the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 C.F.R. § 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 C.F.R. § 1.137(b).

There is no indication that Petitioner herein was ever empowered to prosecute the instant application. If Petitioner desires to receive future correspondence regarding this application, the appropriate power of attorney documentation and change of correspondence address must be submitted. A courtesy copy of this decision will be mailed to Petitioner. However, all future correspondence will be directed to the address of record until such time as appropriate instructions are received to the contrary.

Further correspondence with respect to this matter should be addressed as follows:

By mail:

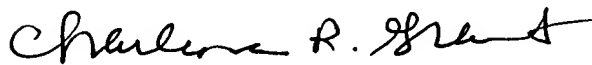
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Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3215.



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